

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

AMIR MOGHADDAM,)

Defendant.)

CASE NO. 05-425 M

DETENTION ORDER

Offenses charged:

Count I: Conspiracy to Distribute Heroin, in violation of Title 21, U.S.C.,
Sections 841(a)(1) and 841(b)(1)(A) , and 846; and

Count II: Possession with Intent to Distribute Heroin, in violation of Title 21,
U.S.C., Sections 841(a)(1) and 841(b)(1)(B), and Title 18, U.S.C.,
Section 2.

Date of Detention Hearing: September 1, 2005.

The Court conducted both a contested detention hearing pursuant to Title 18 U.S.C.
§ 3142(f) and a Rule 5(c)(3) Identity Hearing. The Court finds that the defendant's identity
has been established. The Court signed an order of transfer to the originating district court
of the Southern District of Texas to answer the charges.

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1 The detention hearing was contested, and the defendant may re-open the matter of
2 detention in the Southern District of Texas. The Court finds that, based upon the factual
3 findings and statement of reasons for detention hereafter set forth, no condition or
4 combination of conditions which the defendant can meet will reasonably assure the
5 appearance of the defendant as required and the safety of any other person and the
6 community. The Government was represented by Lawrence Lincoln. The defendant was
7 represented by Peter Avenia.

8 The Government moved for detention; the defense argued for release of the
9 defendant.

10 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

11 (1) There is probable cause to believe the defendant committed the
12 conspiracy drug offense. The maximum penalty is in excess of ten years.
13 There is therefore a rebuttable presumption against the defendant's
14 release based upon both dangerousness and flight risk, under Title 18
15 U.S.C. § 3142(e).

16 (2) Nothing in this record satisfactorily rebuts the presumption against
17 release for several reasons:

18 (a) The defendant poses a risk of nonappearance as he is a citizen of
19 Canada with no ties to the Western District of Washington or the
20 Southern District of Texas; he has significant ties overseas,
21 heightened in Iran where family resides; he has a valid passport at
22 his residence in Canada; and the Bureau of Immigration and
23 Customs Enforcement has filed a detainer. Moreover, the
24 defendant has a history of failing to appear and flight to avoid
25 prosecution as indicated in the U.S. Pre-trial Services Report.

26 (b) Due to the nature and seriousness of the instant offense, combined

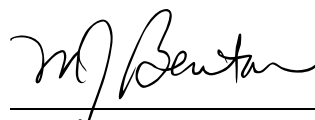
1 with the defendant's criminal history, including a 17-minute high-
2 speed police pursuit, release of the defendant would pose a risk to
3 the community.

- 4 (3) Based upon the foregoing information which is consistent with the
5 recommendation of U.S. Pre-trial Services, it appears that there is no
6 condition or combination of conditions that would reasonably assure
7 future Court appearances and/or the safety of other persons or the
8 community.

9 **It is therefore ORDERED:**

- 10 (1) The defendant shall be detained pending trial and committed to the
11 custody of the Attorney General for confinement in a correction facility
12 separate, to the extent practicable, from persons awaiting or serving
13 sentences or being held in custody pending appeal;
- 14 (2) The defendant shall be afforded reasonable opportunity for private
15 consultation with counsel;
- 16 (3) On order of a court of the United States or on request of an attorney for
17 the Government, the person in charge of the corrections facility in which
18 the defendant is confined shall deliver the defendant to a United States
19 Marshal for the purpose of an appearance in connection with a court
20 proceeding; and
- 21 (4) The clerk shall direct copies of this order to counsel for the United
22 States, to counsel for the defendant, to the United States Marshal, and to
23 the United States Pretrial Services Officer.

24 DATED this 8th day of September, 2005.

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Monica J. Benton
United States Magistrate Judge